

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Golden State Water Company  
20702 Hawaiian Avenue  
Lakewood, California 90715-1627

CAC002624603

Respondent.

Docket HWCA 2010-2868

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California State Department of Toxic Substances Control (Department) and Golden State Water Company (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent is located at 20702 Hawaiian Avenue, Lakewood, California 90715-1627 (Site).

1.3. Inspection. The Department inspected the Site on July 27, 2010, after receiving a self disclosure notification from Respondent on June 1, 2010.

1.4. Authorization Status. Respondent is a generator of hazardous waste.

1.5. Jurisdiction. Health and Safety Code section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to hearing in this matter.

1.8 Admissions. Respondent admits the violations as alleged in Section 2 below.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.1.1. Respondent violated Health and Safety Code, section 25189.2(c) and 25189.5 (a), in that on or about March 23, 2010, Respondent caused the disposal of hazardous waste at a facility without a valid hazardous waste facility treatment permit or authorization. To wit: Respondent shipped at least one load of 5,000 gallons of hazardous filter water backwash sludge containing arsenic to Lakeland, an off-site non-hazardous waste treatment facility.

2.1.2. Respondent violated California Code of Regulations, title 22, section 66262.20(a), in that on or about March 23, 2010, Respondent failed to prepare an appropriate manifest for shipping hazardous waste to off-site facility. To wit: Respondent shipped 5000 gallons of hazardous filter water backwash sludge, containing arsenic to Lakeland, an off-site non-hazardous waste treatment facility, without the required manifest.

2.1.3. Respondent violated California Code of Regulations, title 22, section 66262.12(a), in that on or about March 23, 2010, Respondent failed to obtain a generator identification number before shipment of hazardous waste to an off-site treatment facility. To wit: Respondent shipped at least one load of 5000 gallons of hazardous filter water backwash sludge containing arsenic to Lakeland disposal facility without a generator identification number.

### 3. SCHEDULE FOR COMPLAINT

3.1. Respondent shall comply with the following:

3.1.1. Based on the information provided by Respondent in its May 28, 2010 submittal, the Department has determined that the violations alleged above have been corrected.

3.1.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

### 4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

#### 5. PENALTY

5.1. Respondent shall pay the Department the total sum of \$8,000 penalty.

5.2. Payment of the total sum specified in paragraph 5.1 is due within 30 days from the effective date of this Order.

5.3. Respondent's check shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Carmelita E. Lampino, Unit Chief  
Enforcement and Emergency Response Program  
Enforcement Branch  
Department of Toxic Substances Control  
5796 Corporate Avenue  
Cypress, California 90630

5.4. Any payment that is received by the Department more than fifteen days after it is due will be subject to a \$250 penalty. If Respondent fails to make any timely payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

#### 6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: March 3, 2011

Original signed by David Chang  
David Chang, Vice President  
Golden State Water Company

Dated: March 10, 2011

Original signed by Carmelita E. Lampino  
Carmelita E. Lampino, Unit Chief  
Enforcement and Emergency Response Program  
Enforcement Branch  
Department of Toxic Substances Control